

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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NICHOLAS DUVA,

Plaintiff,

-against-

ORDER

19-CV-1429 (JS) (AYS)

RIVERHEAD CORRECTIONAL FACILITY  
MEDICAL DEPARTMENT,

Defendant.

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APPEARANCES

For Plaintiff: Nicholas Duva, pro se  
19-A-3004  
Mid-State Correctional Facility  
P.O. Box 2500  
Marcy, New York 13403

For Defendant: Arlene S. Zwilling, Esq.  
Suffolk County Attorney  
P.O. Box 6100  
H. Lee Dennison Building - Fifth Floor  
100 Veterans Memorial Highway  
Hauppauge, New York 11788

SEYBERT, District Judge:

By Electronic Order dated January 21, 2020, the Court afforded Nicholas Duva ("Plaintiff"), acting pro se, a final opportunity to file an Amended Complaint and cautioned that "[i]f Plaintiff does not file an Amended Complaint within the time allowed, judgment shall enter without further notice." (See Electr. Order dated Jan. 21, 2020.) To date, Plaintiff has not filed an Amended Complaint nor has he otherwise communicated with the Court about this case.

In addition, a review of the information maintained by the New York State Department of Corrections and Community

Supervision reflects that Plaintiff was released from incarceration on June 30, 2020. (See <http://nysdoccslookup.doccs.ny.gov> (last visited on July 15, 2020)). However, Plaintiff has not updated his address with the Court, making it impossible for the Court to communicate with him. Thus, it appears that Plaintiff is no longer interested in pursuing this Complaint.

Accordingly, the Complaint is DISMISSED WITH PREJUDICE in accordance with the Court's Memorandum and Order dated October 25, 2019 (see D.E. 29 at 9, "Plaintiff is warned that his failure to timely file an Amended Complaint will lead to the dismissal of his claims WITH PREJUDICE and the case will be closed"), and the January 21, 2020 Electronic Order. (D.E. 25.) The Court directs the Clerk of the Court to ENTER JUDGMENT AND CLOSE THIS CASE and to MAIL a copy of this Order to the pro se Plaintiff at his last known address.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is DENIED for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

Dated: July 29, 2020                      /s/ JOANNA SEYBERT  
Central Islip, New York              JOANNA SEYBERT, U.S.D.J.